

TEWKSBURY BOARD OF HEALTH

Minutes

August 28, 2014

Call of Meeting To Order

MOTION - Ms. Kinnon made a motion to call the meeting to order at 6:15 PM. The motion was seconded by Mr. Roux and unanimously voted 3-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairperson Kathleen Brothers, Charles Roux, Christine Kinnon, and Health Director Lou-Ann Clement. Vice Chairman Raymond Barry and Phillip French were not in attendance.

Public Hearing – Permit & Variance for the Tewksbury Board of Health Regulations for Keeping Animals – Located at 12 Kevin Street, Tewksbury, MA – Applicant: Ms. Kathleen Kelley

MOTION - Ms. Kinnon made a motion to open the public hearing. The motion was seconded by Mr. Roux and unanimously voted 3-0.

Ms. Brothers read the public hearing notice.

Ms. Brothers stated that there are two members missing from the hearing tonight. With only three members present, there would have to be a unanimous vote for this variance to pass. The applicant has the right to continue this hearing until there is a full board or move forward with only three members.

Kathleen Kelley joined the meeting and asked if she could speak with her sister before making the decision.

Joseph DeRose of 4 Darby Street – Mr. DeRose asked why the other two members aren't here tonight. Mr. Roux stated that he knows that Mr. French had an employee shortage at his restaurant so he had to cover his business but he is not sure of why the other member is not present. Mr. DeRose stated that he is taking time to be here so the other members should be too. Mr. DeRose asked if this is continued is it guaranteed that there will be a full board at the next meeting. Ms. Brothers replied that she cannot guarantee that but this is the first time since she has been on the Board that two members have been absent at the same time.

Robert Lee of 3 Darby Street – Mr. Lee stated that this is the second delay. They were supposed to originally meet in July. Ms. Clement stated that the paperwork was not ready in time for the July meeting.

Kim Jamison of 12 Kevin Street – Ms. Jamison stated that she is Ms. Kelley's sister-in-law and asked what happens if this is continued. Ms. Clement stated that there would be at least one more inspection done.

Ms. Kelley stated that she would like to continue until there is a full board.

MOTION - Ms. Kinnon made a motion to continue the public hearing for 12 Kevin Street until September 18, 2014 at 7:00 PM. The motion was seconded by Mr. Roux and unanimously voted 3-0.

Ms. Clement noted that all audience members left the meeting.

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New Business

2014 Health Fair Survey Results

Ms. Clement thanked Ms. Kinnon and Mr. Barry for gathering the information for this survey. The survey was given at the Health Fair and it contained five questions. There were thirty-six surveys submitted. The first was what programs or service would they like to see from the Board of Health. This was an open ended question but some of the responses were nutrition, teen issues, drugs, etc. The second question asked how they would like to be notified in case of health issues. 60% of them stated that they would like Code Red to be used, followed by the newspaper, then social media. The third question asked if they had been vaccinated for HPV. 50% said no and 20% said yes. Ms. Kinnon stated that she would like to find out more about this vaccine. The fourth question was how often people exercise and the fifth question was do you believe you have a healthy diet. 80% think they have a healthy diet. Ms. Kinnon suggested having an age grouping on the survey also.

Approval of Minutes – July 17, 2014

Ms. Clement stated that in the set of minutes there is a statement from Mr. Roux stating he reviewed the material and is up to date. This statement is in both the slaughterhouse and piggery. She will move the statement to the beginning of the minutes.

Ms. Kinnon stated that on page 2, second line, eliminate “could it be called out”. On page 3, first paragraph, 2nd to last sentence change “... slaughtered or purchased on site.” to “slaughtered are purchased on site.” On page 3, delete “as a references”. On page 5, 5th line from the bottom, change “is appropriate” to “if appropriate”. On page 6, 1st paragraph change “can be slide” to “can slide”.

MOTION - Ms. Kinnon made a motion to approve the Board of Health minutes of July 17, 2013 as amended tonight. The motion was seconded by Mr. Roux and unanimously voted 3-0.

Old Business

Proposed Amendments to Chapter 7, Dumpster Regulations

Ms. Clement stated that the dumpster regulations have been sitting on her desk since April 2013. This was the last time we had discussions on these regulations. Ms. Clement provided a marked up copy with edits. The red text means that it has been newly added. Ms. Clement stated that she had left in the “short term dumpsters” definition.

Mr. Barry joined the meeting at 6:55 PM.

Ms. Brothers stated that there are very few changes so we should review them tonight.

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Ms. Clement stated that on page 1, she added “donation boxes” to the definitions. On page 2, short term dumpsters are described. Ms. Brothers asked if a building permit is needed. Ms. Clement replied not necessarily. A building permit is not required if someone is cleaning out their house. Mr. Barry stated that we had lengthy discussions on this subject and asked if there is a difference between residential and commercial. Ms. Clement replied no. Ms. Clement stated that she added “but not limited to” in the definition. Ms. Clement stated that she left the short term dumpster permit but it may not be needed. Ms. Kinnon stated that if it is not needed it should be removed. Ms. Clement stated that in Section 770, Location she added septic system, wells and water lines.

MOTION - Ms. Kinnon made a motion to accept the changes presented tonight. The motion was seconded by Mr. Barry and unanimously voted 4-0.

Mr. Barry asked if the accepted date would need to be changed. Ms. Clement stated that these are amendments to the accepted regulations.

MOTION - Ms. Kinnon made a motion to adopt the Tewksbury Board of Health Chapter 7, Dumpster Regulations as amended tonight. The motion was seconded by Mr. Barry and unanimously voted 4-0.

Oliveira Farm Notice of Decisions

Ms. Clement stated that the decisions in the Board’s packages for Oliveira Farm are more than variances, they were also a party aggrieved, and so that wording has been changed. The decisions given to the Board is what the Board voted on in July and she would like the approval and signatures on the decisions.

Ms. Clement stated that she was onsite today for the ground water testing to install a 4,000 gallon tight tank. The DPW felt they did not have jurisdiction over this waste so she made some phone calls and the DEP doesn’t govern blood waste, it falls under the local jurisdiction. The 4,000 gallon requirement for the tight tank is the same as for a septic system. There was no issue with the ground water and the installation of the tank was started. The plumbing inspector was fine with the plumbing, the sewer modification was issued by the DPW and the Board of Health permit was issued. They should be up and running by next week. Mr. Roux asked why the waste would not be composted. Ms. Clement replied that they do not have fields to compost.

Ms. Clement stated that there was one change in the Slaughter House regulations that was not voted on. She would like the Board to accept changing “The applicant shall install a tight tank in accordance with the DPW rules and regulation ...” in #9, to “The applicant shall install a tight tank in accordance with the appropriate rules and regulations...”.

MOTION - Ms. Kinnon made a motion to accept the Notice of Decision for MGL c.111 § 151 Slaughter House as amended tonight for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

MOTION - Ms. Kinnon made a motion to accept the Notice of Decision for the Keeping of Animals for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

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MOTION - Ms. Kinnon made a motion to accept the Notice of Decision for 105 CMR 410... Minimum Standards for Fitness for Human Habitation for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

MOTION - Ms. Kinnon made a motion to accept the Notice of Decision for MGL c. 111 § 143 Trade of Employment of Noisome with Noisome Trade and Injurious Odors (Piggery) for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

MOTION - Ms. Kinnon made a motion to accept the Notice of Decision for MGL c.111 § 151 Site Assignment for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

MOTION - Ms. Kinnon made a motion to adopt the four Notice of Decisions listed above and one Site Assignment for 199 Marston Street owned and operated by Denis Oliveria. The motion was seconded by Mr. Barry and unanimously voted 4-0.

Board Members Reports

Mr. Barry stated that the American Heart Association is looking to implement regulations regarding the E-Cigarettes. Ms. Clement stated that she has not started looking at this but she will speak with Ron Beauregard and see if other Towns have regulations.

Mr. Barry stated that there have been instances in Manchester, NH with synthetic marijuana products and asked if this is an issue in Tewksbury. Ms. Clement replied yes, synthetic drugs are on her radar. She is looking to update the medical marijuana and animal regulations next.

Ms. Brothers stated that the manager at Tedeschi's is very ill and they are going to transfer to someone else. Ms. Clement stated that she will get up there and do an inspection.

Other Business

Ms. Brothers stated that the 6:00 PM start did not seem to work out. Mr. Barry stated that he simply forgot.

Ms. Clement stated that Sarah Kinghorn applied for another grant for hoarding. Ms. Clement stated that she loves her initiative and we should hear in September if we got the grant.

Ms. Clement stated that there were two issues waiting for her when she got back from vacation. One was a woman who had bats in her house and the second was that she had to condemn a house that was owned by an elderly woman and residing with her was her 47-year-old son with issues. The Council of Aging (COA) Director is involved. The COA Director has put in for a grant at Home Depot and she are working with CTI also. Currently, the woman and her son are in a shelter. Ms. Kinnon asked if the house is worth saving. Ms. Clement replied yes once it is cleaned up and repaired.

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Mr. Barry asked how big of an issue is hoarding in Tewksbury. Ms. Clement stated that there a group that meets once a month to discuss different issues and there are 6-8 cases that are actively being worked on.

Ms. Clement stated that the owner of Wicked Cheesy is moving to 1079 Main Street and he has asked to use a Capzilla which is similar to a Big Dipper. Mr. Roux stated that he has spoken with him and told him it would be a tough road to take. This would go against our regulations. The Capzilla is similar to the Big Dipper and a variance would be required if a sub-surface cannot be done. In this case, a 1,500 gallon grease trap can be installed outside of the building and a design has already been done. Mr. Barry asked if the only issue is a cost issue. Mr. Roux replied yes.

Mr. Roux stated that according to the material he has reviewed, the biggest Capzilla is only 95 gallons. This is an alternative for a situation where you cannot install an outside grease trap. It works well on suspended fats that float but it does not have the capacity to separate the fats from the water.

Ms. Kinnon asked if this would be on the floor. Mr. Roux stated that there are two models, one is on the floor and one would be in ground but they have different piping.

Ms. Brothers asked what the costs are. Mr. Roux stated that an in ground grease trap is about \$1,500 - \$2,000 for a concrete tank but he is not sure what the Capzilla's cost. He is concerned with the emulsified grease because the grease trap allows separation, these do not.

Mr. Barry asked what system protects the sewer system better. Mr. Roux replied the underground grease trap is the best option and is in the regulations. Mr. Barry stated that he is concerned with opening us to other places who want this system. Mr. Roux stated that this does not do better than traditional grease traps and they are trying to use the excuse of being in the Town Center Overlay that this should be allowed. Ms. Clement stated that is a zoning issue and the overlay wants the sites to look pretty.

Ms. Clement stated that this option would be great for areas like the City of Boston where there is no space for an outside grease trap but we have space. Ms. Clement stated that we have a few Big Dippers now that will have to install an external grease trap within five years.

Ms. Clement polled the board if they were in favor of this. Mr. Barry, Ms. Kinnon, Ms. Brothers and Mr. Roux replied that they were not in favor.

Ms. Brothers stated that she visited the Café Silcia and their menu has expanded greatly. Ms. Clement stated that he does not have a fryolator but he does sauté in olive oil and butter. This establishment only has a Big Dipper. Ms. Clement added that Angelina's has a variance for a Big Dipper and Lisa's Pizzeria has a Big Dipper. Mr. Roux stated that when this Big Dipper was granted he said he did no cooking at the site.

Ms. Clement will confirm the list of restaurants with the Big Dipper's installed and added that they still need to have an external grease trap within five years. Ms. Clement added that notices went out to all restaurants of this fact.

Ms. Brothers stated that Subway has said that they do not cook on site.

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Ms. Kinnon stated that she does not agree. She stated that if they are minimal cooking facilities, they should be allowed to reapply for a variance. Mr. Barry stated that at some point they will probably outgrow the Big Dipper.

Ms. Clement stated that she will get more information on Café Silcia on the variance that was issued to them.

Ms. Clement stated that Diane Joy is on vacation and Brian LeGrasse has gone back to Methuen. The job description for the Sanitarian is ready to go we just have to wait for final disposition.

Ms. Brothers stated that the September 18, 2014 meeting could start at 6:00 PM and conduct the other business before the continued public hearing at 7:00 PM. Ms. Brothers asked that Ms. Clement confirm with Mr. French if this would be ok.

MOTION - Ms. Kinnon made a motion to close the meeting and adjourn at 8:05 PM. The motion was seconded by Mr. Barry and unanimously voted 4-0.

Approved On: October 16, 2014

List of documents for 8/28/14 Agenda

Documents are located in the Board of Health's Office

Public Hearings:

- Exhibit #1 Public Hearing application package for 12 Kevin Street
- Exhibit #2 Inspection report Dated August 21, 2014 By Health Director
- Exhibit #3 Inspection report with pictures dated August 21, 2014 by Health Director
- Exhibit #7 Inspection report dated August 20, 2014 by Animal Inspector
- Exhibit #8 GIS Maps (2) Received August 28, 2014

New Business:

- Exhibit #5 2014 Health Fair Survey Results

Approval of Minutes for:

- Exhibit #4 July 17, 2014

Old Business:

- Exhibit #6 Proposed Dumpster Regulations dated 8/25/14